

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

SIDRA RIGGINS, on behalf of herself and all others similarly situated,

*Plaintiff,
v.*

PIONEER BANK,

Defendant.

1:23-cv-01534-DNH-DJS

DEFENDANT PIONEER BANK'S NOTICE OF MOTION TO DISMISS THE AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(1) and (6)

PLEASE TAKE NOTICE, that, upon the accompanying memorandum of law and all other papers and proceedings had herein, defendant Pioneer Bank, through its undersigned counsel, will and hereby does move this Court, before the Honorable David N. Hurd, U.S.D.J., United States District Court for the Northern District of New York, at the Alexander Pirnie Federal Building and U.S. Courthouse in Utica, New York, for an Order, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), dismissing the Amended Complaint of plaintiff Sidra Riggins (Dkt. 17) for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. Filed in support of the motion is the Declaration of Allyson P. Webster.

Pursuant to Local Civil Rule 7.1(a), any opposition to this motion shall be filed on or before April 26, 2024, and any reply papers shall be filed on or before May 3, 2024.

[Attorney signature on following page]

Dated: April 5, 2024
New York, New York

DLA PIPER LLP (US)

By: /s/ Robert J. Alessi

Robert J. Alessi (NDNY Bar Roll No. 101019)
Steven M. Rosato (NDNY Bar Roll No. 703375)
1251 Avenue of the Americas
New York, NY 10020
Tel.: (212) 335-4500
robert.alessi@us.dlapiper.com
steven.rosato@us.dlapiper.com

Courtney Saleski (NDNY Bar Roll No. 703877)
Aaron J. Shaddy (NDNY Bar Roll No. 705266)
1650 Market Street - Suite 5000
Philadelphia, PA 19103
Tel.: (215) 656-3300
courtney.saleski@us.dlapiper.com
aaron.shaddy@us.dlapiper.com

Counsel for Defendant Pioneer Bank

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties in this action/known counsel of record via the CM/ECF system on this 5th day of April, 2024.

/s/ Robert J. Alessi

Robert J. Alessi (NDNY Bar Roll No. 101019)